

**RESOLUTION NO. 35-1990**

**A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON IN THE MATTER OF AUTHORIZING THE MAYOR TO EXECUTE A JOINT AGREEMENT OF UNDERSTANDING WITH CLACKAMAS COUNTY, THE OAK LODGE SANITARY DISTRICT, AND THE CITIES OF GLADSTONE, HAPPY VALLEY, AND JOHNSON CITY TO ESTABLISH A FRAMEWORK FOR COOPERATION IN DEVELOPING A STORMWATER QUANTITY AND QUALITY MANAGEMENT PROGRAM FOR THE NORTH CLACKAMAS URBAN AREA.**

WHEREAS, this matter coming before the Milwaukie City Council at this time, and it appearing that there is need to establish a cooperative framework among jurisdictions within the North Clackamas Urban Area in developing a stormwater quantity and quality management program for the area; and

WHEREAS, imminent Oregon Department of Environmental Quality and federal Environmental Protection Agency regulations will require specific measures for reducing pollutants conveyed to receiving waters through stormwater runoff; and

WHEREAS, these regulations, along with the growing need to better control the volumes and velocities of stormwater, mandate that a watershed perspective on the problem be developed; and

WHEREAS, mitigation of stormwater quantity and quality problems can be more efficiently and cost-effectively achieved through a watershed focus; and


WHEREAS, development of a common understanding of the watershed's stormwater goals and objectives is critical, along with ongoing input from each jurisdiction as to how the program is developed; and

WHEREAS, establishing this form of cooperation and joint understanding will provide the greatest opportunity and better enable the North Clackamas Urban Area to work with the state and federal regulators in formulating stormwater requirements which will impact the Urban Area; and

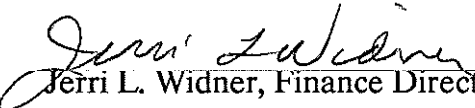
WHEREAS, it is further recognized that this cooperation does not commit a jurisdiction to any specific course of action but only reflects the need to commonly address the stormwater issues facing the North Clackamas Urban area,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie to authorize the Mayor to execute a joint agreement of understanding between the City of Milwaukie and Clackamas County, the Oak Lodge Sanitary District, and the Cities of Gladstone, Happy Valley, and Johnson City to establish a framework for cooperation in developing a stormwater quantity and quality management program for the North Clackamas Urban Area. A copy of said joint agreement is attached hereto and incorporated herein by reference.

Introduced and adopted by the City Council of the City of Milwaukie,  
Oregon, on October 2, 1990.

  
\_\_\_\_\_  
Roger A. Hall, Mayor

ATTEST:

  
\_\_\_\_\_  
Terri L. Widner, Finance Director

APPROVAL AS TO FORM:

O'DONNELL, RAMIS, CREW & CORRIGAN

  
\_\_\_\_\_  
Timothy V. Ramis, City Attorney

**STORMWATER MANAGEMENT IN THE  
NORTH CLACKAMAS URBAN AREA  
JOINT AGREEMENT OF UNDERSTANDING**

This Joint Agreement of Understanding is executed among the cities of Gladstone, Johnson City, Happy Valley, and Milwaukie; and the Oak Lodge Sanitary District and Clackamas County, Oregon; to establish a framework for cooperation in developing a stormwater quantity and quality management program for the North Clackamas Urban Area. It is further resolved that this cooperation does not commit a jurisdiction to any specific course of action, but only reflects the need to commonly address the stormwater issues facing the North Clackamas Urban Area.

**WITNESSETH;**

**WHEREAS**, imminent Oregon Department of Environmental Quality and federal Environmental Protection Agency regulations will require specific measures for reducing pollutants conveyed to receiving waters through stormwater runoff; and

**WHEREAS**, these regulations, along with the growing need to better control the volumes and velocities of stormwater, mandate that a watershed perspective on the problem be developed; and

**WHEREAS**, mitigation of stormwater quantity and quality problems can be more efficiently and cost-effectively achieved through a watershed focus; and

**WHEREAS**, development of a common understanding of the watershed's stormwater goals and objectives is critical, along with ongoing input from each jurisdiction as to how the program is developed; and

**WHEREAS**, establishing this form of cooperation and joint understanding will provide the greatest opportunity and better enable the North Clackamas Urban Area to work with the state and federal regulators in formulating stormwater requirements which will impact the Urban Area; and

**WHEREAS**, the current cooperative efforts of the jurisdictions in the North Clackamas Urban Area need to be formally recognized through this joint Agreement; now therefore,

**BE IT RESOLVED** that the jurisdictions executing this Joint Agreement of Understanding will work cooperatively toward development of a watershed perspective on the stormwater quantity and quality issues facing the North Clackamas Urban Area.

**CITY OF GLADSTONE, OR:**

\_\_\_\_\_  
Mayor Date

**CITY OF JOHNSON CITY, OR:**

\_\_\_\_\_  
Mayor Date

**CITY OF HAPPY VALLEY, OR:**

\_\_\_\_\_  
Mayor Date

**CITY OF MILWAUKIE, OR:**

Roger A. Hall 10-2-90  
\_\_\_\_\_  
Mayor Date

**CLACKAMAS COUNTY, OR:**

\_\_\_\_\_  
Chair, Board of Co. Commissioners Date

**OAK LODGE SANITARY DIST., OR:**

\_\_\_\_\_  
Chair, Board of Directors Date

## **BRIEFING PAPER**

### **BACKGROUND INFORMATION REGARDING THE PROPOSED JOINT AGREEMENT OF UNDERSTANDING FOR STORMWATER MANAGEMENT IN THE NORTH CLACKAMAS URBAN AREA**

The Agreement before you represents an important acknowledgment on the part of the participating jurisdictions that stormwater management within the North Clackamas Urban Area needs to be addressed from a watershed perspective. The "Technical Task Force", comprised of representatives from Clackamas County, Oak Lodge Sanitary District, and the cities of Happy Valley, Gladstone, Milwaukie and Johnson City, Oregon, has been meeting regularly over the last six months to evaluate the current status of stormwater management in the North Clackamas Urban Area and the future challenges facing the watershed. The future is of particular concern in light of imminent federal and state regulations affecting stormwater quality. These regulations, coupled with the known stormwater quantity problems already facing the North Clackamas Urban Area, strongly indicate the need for a comprehensive and watershed-wide program to address these issues.

#### **The Problems**

The storm drainage element of the North Clackamas Urban Area Public Facilities Plan (1989) found that "...adequate facilities have not been built as needed due to a shortage of funds...drainage plans have been prepared and implemented on a piecemeal basis for individual developments resulting in haphazard development of drainage systems where inefficient conveyance systems often terminate in open fields. These problems have generally been more acute in the urbanized areas due to numerous separate ownerships and reasonably dense urban development." In addition to the Public Facilities Plan, the current drainage plan being finalized for the Clackamas Industrial Area shows similar stormwater quantity problems which revolve around incomplete or inadequate planning, design criteria, regulation, enforcement and funding.

The continued development and redevelopment of land within the North Clackamas Urban Area will escalate the stormwater related impacts on manmade and natural surface water conveyance systems that are already either ill-equipped, or undersized to handle current volumes of runoff. In addition, the biological integrity of the streams and wetlands that form the unique and desirable character of this area may be jeopardized by pollutants in stormwater runoff.

## Stormwater Quality

## State Department of Environmental Quality & Federal National Pollutant Discharge Elimination System (NPDES) Regulations

While stormwater quantity problems (ponding, overbank flows, street flooding, basement flooding) remain the most visible concerns, both state and federal agencies have developed strict new regulations affecting stormwater quality. The State of Oregon, through the Department of Environmental Quality (DEQ), has established specific stormwater pollutant load limits (Total Maximum Daily Loads or TMDLs) for the nearby Tualatin River Basin. These limits specify the amount of stormwater pollution, in the Tualatin's case phosphorous and ammonia nitrogen, which each jurisdiction is allowed to discharge into the Tualatin River. The planning and implementation of the corrective action is mandatory under state law, with noncompliance potentially resulting in a development moratorium. It is generally believed this type of TMDL approach will be implemented in the areas draining to the Willamette River.

Regardless of state DEQ action on the Willamette, the final federal NPDES stormwater regulations are due on October 31, 1990. While draft regulations were not specific in defining what constitutes a "jurisdiction" (city limits, basin, watershed) or the timing for these regulations, they clearly show the federal government's intent to make stormwater pollution an integral element of the water quality equation.

## The Proposed Approach

Neither stormwater quantity or quality problems recognize jurisdictional boundaries. It has also been demonstrated that watershed approaches to these problems can be technically more sound and cost effective. Accordingly, the Technical Task Force was assembled to evaluate alternative approaches toward addressing the North Clackamas Urban Area's needs in terms of both drainage problems and pending state/federal stormwater quality regulations. A key finding of the Task Force is that regional perspectives need to be considered. The Task Force also felt that the cooperative action of the jurisdictions will effectively position the North Clackamas Urban Area to work with state and federal regulators in formulating stormwater requirements which may impact the Urban Area.

For these reasons, it is the recommendation of the technical Task Force that the attached Joint Agreement of Understanding be executed by all jurisdictions within the North Clackamas Urban Area.